



# SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought in the application entitled

## SPACER ASSEMBLY FOR USE IN SPINAL SURGERIES HAVING END CAP WHICH INCLUDES SERRATED SURFACE

the specification of which

(check one)

X is attached hereto.  
 was filed on January 25, 2002 as  
 United States Application Serial No. 10/056,909 or  
 PCT International Application No. \_\_\_\_\_  
 and was amended on \_\_\_\_\_  
 (if applicable)

I hereby declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate on which priority is claimed (as listed below) and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

60/068,060  
 Application Number

\_\_\_\_\_  
 Application Number

December 23, 1997  
 Filing Date

RECEIVED  
 JAN - 3 2003  
 TC 3700 MAIL ROOM

Filing Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

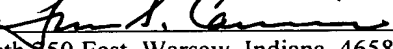
<u>09/218,745</u>	<u>December 22, 1998</u>	<u>Patented</u>
(Application Serial No.)	(Filing Date)	(Status)(Patented, Pending, Abandoned)
<u>09/591,530</u>	<u>June 9, 2000</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)(Patented, Pending, Abandoned)

And I hereby appoint Paul J. Maginot, Registration No. 34,984, Harold C. Moore, Registration No. 37,892, Bruce J. Bowman, Registration No. 35,458, David M. Lockman, Registration No. 34,214, Jeffrey D. Carter, Registration No. 37,795, and Michael D. Beck, Registration No. 32,722 as attorneys of record with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please direct all communications regarding the application to:

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Bank One Center/Tower  
Indianapolis, Indiana 46204-5115  
Telephone (317) 638-2922  
Facsimile (317) 638-2139

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Sole or first inventor Thomas S. Camino

Inventor's signature   
Residence 238 South 250 East, Warsaw, Indiana 46582  
Citizenship United States of America  
Post Office Address Same as above

Date: 16 September 2002

Full name of second inventor, if any John D. Malone

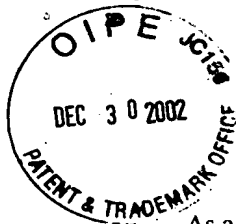
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence 50 Abbott Run Valley Road, Unit 1927, Cumberland, Rhode Island 02864  
Citizenship United States of America  
Post Office Address Same as above

Full name of third inventor, if any Lutz Biedermann

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence AM Schäfersteig 8, 78048 VS-Villingen, Germany  
Citizenship Germany  
Post Office Address Same as above

Full name of third inventor, if any Helmar Rapp

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
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Residence 238 South 250 East, Warsaw, Indiana 46582  
Citizenship United States of America  
Post Office Address Same as above

Full name of second inventor, if any John D. Malone

Inventor's signature J. D. Malone Date: 2-6-02  
Residence 50 Abbott Run Valley Road, Unit 1927, Cumberland, Rhode Island 02864  
Citizenship United States of America  
Post Office Address Same as above

Full name of third inventor, if any Lutz Biedermann

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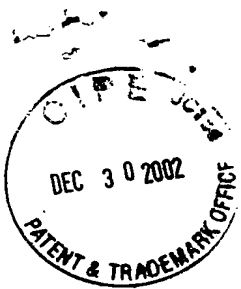
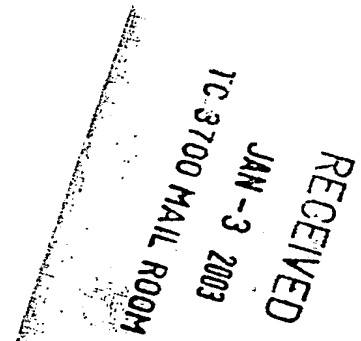
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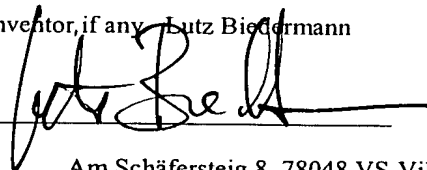
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Citizenship United States of America  
Post Office Address Same as above

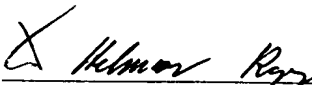
Full name of second inventor, if any John D. Malone

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Residence 50 Abbott Run Valley Road, Unit 1927, Cumberland, Rhode Island 02864  
Citizenship United States of America  
Post Office Address Same as above

Full name of third inventor, if any Butz Biedermann

Inventor's signature  Date: Dec. 2, 2002  
Residence Am Schäfersteig 8, 78048 VS-Villingen, Germany  
Citizenship Germany  
Post Office Address same as above

Full name of fourth inventor if any Helmar Rapp

Inventor's signature  Date: 19.06.02  
Residence Römerstraße 10, 78652 Deißlingen, Germany  
Citizenship Germany  
Post Office Address same as above



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 1672-0099 (DEP-688)

Application of: **Camino et al.**

Patent No.: **10/056,909**

Filed: **January 25, 2002**

Title: **Spacer Assembly for Use in Spinal Surgeries Having End Cap Which Includes Serrated Surface**

**CONSENT OF ASSIGNEE STATEMENT UNDER 37 CFR § 3.73(b)**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Assistant Commissioner of Patents,  
Washington, D.C. 20231 on 12/24/02  
(Date of Deposit)

David M. Lockman

Name of person mailing Document or Fee

*David M. Lockman*  
Signature of person mailing Document or Fee

12/24/02  
Date of Signature

Assistant Commissioner of Patents  
Washington D.C. 20231

Sir:

DePuy AcroMed, Inc. ("Assignee"), hereby submits to the U.S. Patent and Trademark Office documentary evidence of ownership of U.S. Patent Application Serial No. 10/056,909 by the enclosed copy of an executed Assignment from inventors Thomas S. Camino and John J. Malone to Assignee. Also, enclosed please find a copy of a Notice of Recordation of Assignment, which was recorded with the U.S. Patent and Trademark Office on January 25, 2002 at Reel 012534, Frame 0558. Accordingly, Assignee has an ownership interest in U.S. Patent Application Serial No. 10/056,909, and is authorized to request and take action in this matter.

Assignee hereby agrees to the change of inventorship adding Lutz Biedermann and Helmar Rapp as co-inventors in U.S. Patent Serial No. 10/056,909. The undersigned is authorized to act on behalf of Assignee.

Respectfully submitted,

*Thomas M. DiMauro*

Thomas M. DiMauro

Attorney for DePuy AcroMed, Inc. (Reg. No. 35,490)

DePuy AcroMed, Inc.  
325 Paramount Drive  
Raynham, Massachusetts 02767-0350

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